

**RESOLUTION NO. R2011-04**
**To Acquire Real Property Interests Required for the North Link Project**

<b>MEETING:</b>	<b>DATE:</b>	<b>TYPE OF ACTION:</b>	<b>STAFF CONTACT:</b>
Capital Committee	6/9/11	Recommendation to Board	Ahmad Fazel, DECM Executive Director <b>Roger Hansen, Real Property Director</b>
Board	6/23/11	Canceled	
Board	7/28/11	Final Action	

**PROPOSED ACTION**

Authorizes the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction of the Brooklyn and Roosevelt Stations and certain tunnel alignment within the North Link Project – UW Station to Northgate project and (2) acquire and dispose of property interests owned by public entities, including acquisition by condemnation to the extent permitted by law, between the University of Washington Station and Northgate in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel and stations.

**KEY FEATURES**

- Authorizes acquisition and disposal of property interests in the University District and Roosevelt neighborhoods in the City of Seattle which are needed for construction of station improvements and tunnels for the North Link Project – UW Station to Northgate, including property interests owned by public entities.
- Authorization for additional acquisitions consisting mainly of tunnel easements, easements for the elevated guideway from the north portal to Northgate Station and property interests needed for construction of Northgate Station will be sought from the Board as the final alignment is determined by further engineering and design.
- The real properties identified in this requested action are included in Exhibit A.

**PROJECT DESCRIPTION**

The North Link Project is a 4.3-mile extension of light rail from the UW Station to Northgate in twin-bored tunnels with two cut-and-cover stations serving the University District (Brooklyn Station) and Roosevelt neighborhoods, which transitions to an elevated guideway and station near the Northgate Transit Center.

## FISCAL INFORMATION

### Budget Table

(Year of Expenditure \$000)

<b>North Link - UW Station to Northgate</b>	Adopted 2011 Lifetime Budget (A)	Committed To Date (B)	This Action (C)	Total Committed & Action (D)	Uncommitted (Shortfall) (E)
Agency Administration	49,461	4,100		4,100	45,360
Preliminary Engineering	15,251	15,982		15,982	(731)
Final Design	85,941	74,779		74,779	11,162
<b>Right of Way</b>	<b>164,820</b>	<b>41,966</b>		<b>41,966</b>	<b>122,855</b>
Construction	8,733	8,052		8,052	681
Construction Services	300	-		-	300
Third Party Agreements	20,994	1,569	-	1,569	19,425
Vehicles	-	-		-	-
<b>Total Current Budget</b>	<b>345,500</b>	<b>146,447</b>	<b>-</b>	<b>146,447</b>	<b>199,053</b>

### Right of Way Phase Budget Detail

Right of Way	164,820	41,966	-	41,966	122,855
<b>Total Phase</b>	<b>164,820</b>	<b>41,966</b>	<b>-</b>	<b>41,966</b>	<b>122,855</b>

<b>Contract Amount</b>	Board Approvals to Date (F)	Current Approved Contract Value (G)	Proposed Action (H)	Proposed Total for Board Approval (I)	Proposed Contract Value (J)
Contract Amount	-	-		-	-
Contingency	-	-		-	-
<b>Total Contract</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Percent Contingency	0%	0%	0%	0%	0%

(B) COMMITTED TO DATE amounts are from Link WBS Report as of April 2011 + approved and pending board actions not recorded as of 4/30/11, or submitted after that date, and include allocated contingencies.

## SMALL BUSINESS PARTICIPATION

Not applicable to this action

## BACKGROUND

On April 27, 2006, upon consideration of the FSEIS, the Sound Transit Board adopted Resolution No. R2006-07, which, among other things, selected the final route, profile, and station locations for North Link; and (2) authorized the necessary steps to complete final design and implementation of the University Link Project.

Sound Transit conducted a limited amount of advanced preliminary engineering work for North Link in 2009. This work focused on refining the bored tunnel alignment and profiles, examining Brooklyn Station design and constructability issues to refine construction staging property requirements, and examining alternative tunnel portal locations and construction staging options.

Certain property interests have been identified as necessary for construction of the light rail stations in the University District (on Brooklyn Avenue NE between NE 45<sup>th</sup> and NE 43<sup>rd</sup> Streets and Roosevelt (along 12<sup>th</sup> Ave NE between NE 65<sup>th</sup> and NE 67<sup>th</sup> Streets ) and the North Link tunnels based upon the current level of design. Sound Transit's authorizing legislation grants the agency the power of eminent domain to accomplish such acquisitions when efforts to reach agreement with property owners are unsuccessful. The proposed action would authorize the acquisition of 19 partial property acquisitions for the Brooklyn and Roosevelt light rail stations and

tunnels by condemnation to the extent permitted by law if necessary, as needed for the construction, operation and maintenance of the North Link light rail tunnel and stations between University of Washington Station and Northgate and the payment of relocation benefits to eligible affected owners and tenants. Authorization for additional acquisitions consisting mainly of tunnel easements, easements for the elevated guideway from the north portal to Northgate Station and property interests needed for construction of Northgate Station will be sought from the Board as the final alignment is determined by further engineering and design.

The parcels identified in Exhibit A are at the vicinity of the Brooklyn and Roosevelt Stations and the tunnels identified in the preferred alternative for North Link.

Sound Transit staff has completed a preliminary analysis of the North Link Project schedule, property acquisition work and the construction contract packaging plan. Initial property acquisition for North Link station and staging areas was authorized by the Board starting in March, 2010 in order for the project to be completed and operational by 2021.

## **ENVIRONMENTAL COMPLIANCE**

Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006. The Federal Transit Administration issued a Record of Decision for North Link in June 2006.

Jl 6/3/2011

## **PRIOR BOARD/COMMITTEE ACTIONS**

Resolution No. R2010-17 – Authorized the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and re-establishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel and stations between the University of Washington Station and the Pine Street Stub Tunnel and between the University of Washington Station and Northgate.

Resolution No. R2010-04 – Authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

Resolution No. R2010-02 – 1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and 2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07 – (1) Selected the final route, profile, and station locations for the North Link Light Rail Project; (2) authorized the necessary steps to complete final design and implementation of the University Link Project.

## **TIME CONSTRAINTS**

A short delay will not impact property acquisition work. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

## **PUBLIC INVOLVEMENT**

Maps of the proposed North Link alignments and construction staging areas were published in the 2003 and 2005 North Link draft Supplemental Environmental Impact Statements (SEIS) and the 2006 North Link Final Supplemental Environmental Impact Statement and made available to the public. A 45+ day comment period on the 2005 draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

A public open house took place in June 2010 to inform the public on the start of the North Link project final design phase. An open house was held on May 17, 2011, regarding the Northgate Station design progress. Staff also conducted 30% station design open houses on May 23, 2011 for the Roosevelt Station and on June 9, 2011 for the Brooklyn Station. Additional meetings have also been held in the University District and Roosevelt neighborhood over the last year to discuss project design and construction issues, including property acquisition and other project requirements.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on June 6, 2011. Legal notices of this proposed Board action were published in the Seattle Times and Puget Sound Business Journal newspapers on June 10 and 17, 2011. In addition, staff have also attempted to personally contact each affected property owner. Staff personally met with property owners or contacted them by phone if contact information was available prior to certified letter notifications. Condominium owners were notified through their condo owner's association in addition to certified letter.

## **LEGAL REVIEW**

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